

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-SECOND LEGISLATURE

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THIRTY-FIRST LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 5, 2014

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Bock, Lodge, and Werk, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Hunter Markus, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 4, 2014, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 134

#### BY STATE AFFAIRS COMMITTEE

#### A CONCURRENT RESOLUTION

FOR THE PURPOSE OF REQUESTING APPROPRIATE ACTION BY THE CONGRESS, EITHER ACTING BY CONSENT OF TWO-THIRDS OF BOTH HOUSES OR, UPON THE APPLICATION OF THE LEGISLATURES OF TWO-THIRDS OF THE SEVERAL STATES, CALLING AN ARTICLE V CONVENTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO REQUIRE, WITH CERTAIN EXCEPTIONS, THAT THE TOTAL OF ALL FEDERAL APPROPRIATIONS MAY NOT EXCEED THE TOTAL OF ALL ESTIMATED FEDERAL REVENUES IN ANY FISCAL YEAR TOGETHER WITH ANY RELATED AND APPROPRIATE FISCAL RESTRAINTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the total debt now exceeds seventeen trillion dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative

and executive branches of the federal government to curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays that are not included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation that results from this policy, is the greatest threat that faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, under Article V of the Constitution of the United States, amendments to the Constitution of the United States may be proposed by the Congress whenever two-thirds of both houses deem it necessary; or, on the application of the legislatures of two-thirds of the several states, the Congress shall call a Constitutional Convention for proposing amendments. We believe such action vital.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that pursuant to Article V of the Constitution of the United States, the Legislature of the State of Idaho petitions the Congress of the United States of America, at its session, to call a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

BE IT FURTHER RESOLVED that this application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Pennsylvania, and Texas; and this application shall be aggregated with those applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject; and

BE IT FURTHER RESOLVED that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject. It supersedes all previous applications by this Legislature on the same subject; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby directed to forward copies of this resolution to the Secretary of State and presiding officers of both houses of the legislatures of each of the other states in the union, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congress of the United States representing the State of Idaho.

SCR 134 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

Senator Bock was recorded present at this order of business.

The Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

February 4, 2014

The JUDICIARY AND RULES Committee reports that [SJM 105](#), [S 1274](#), [S 1275](#), [S 1276](#), [S 1277](#), [S 1278](#), [S 1279](#), [S 1280](#), and [S 1281](#) have been correctly printed.

LODGE, Chairman

[SJM 105](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1274](#) was referred to the Judiciary and Rules Committee.

[S 1275](#) was referred to the Education Committee.

[S 1276](#), [S 1278](#), [S 1279](#), [S 1280](#), and [S 1281](#) were referred to the Resources and Environment Committee.

[S 1277](#) was referred to the State Affairs Committee.

Senator Werk was recorded present at this order of business.

February 4, 2014

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1204](#) and [S 1205](#) with the recommendation that they do pass.

TIPPETS, Chairman

[S 1204](#) and [S 1205](#) were filed for second reading.

February 4, 2014

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Zelda Geyer-Sylvia to the Idaho Health Insurance Exchange Board, term to expire April 10, 2017.

TIPPETS, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 4, 2014

The EDUCATION Committee reports out [S 1229](#), [S 1257](#), and [S 1264](#) with the recommendation that they do pass.

GOEDDE, Chairman

[S 1229](#), [S 1257](#), and [S 1264](#) were filed for second reading.

On request by Senator Goedde, granted by unanimous consent, [S 1233](#) was referred to the Fourteenth Order of Business, General Calendar.

Senator Lodge was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

February 3, 2014

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Craig Hill of Priest Lake, Idaho, was reappointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2013, and expiring July 24, 2016.

This reappointment was made subject to confirmation by the Senate. Notice of reappointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 4, 2014

Dear Mr. President:

I transmit herewith [H 389](#), [H 390](#), [H 391](#), and [H 405](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 389](#), [H 390](#), [H 391](#), and [H 405](#) were filed for first reading.

February 4, 2014

Dear Mr. President:

I return herewith [S 1245](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1245](#) was referred to the Judiciary and Rules Committee for enrolling.

February 4, 2014

Dear Mr. President:

I transmit herewith Enrolled [H 386](#), [H 387](#), and [H 388](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 386](#), [H 387](#), and [H 388](#) and ordered them returned to the House.

February 4, 2014

Dear Mr. President:

I return herewith Enrolled [SCR 132](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 132](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

February 4, 2014

Dear Mr. President:

I return herewith Enrolled [S 1216](#), [S 1217](#), and [S 1218](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1216](#), [S 1217](#), and [S 1218](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1282  
BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

AN ACT

RELATING TO LEGAL RATE OF INTEREST; AMENDING SECTION 28-22-104, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE CALCULATION OF PREJUDGMENT INTEREST.

**S 1283  
BY TRANSPORTATION COMMITTEE**

AN ACT

RELATING TO RIGHTS-OF-WAY; AMENDING SECTION 40-203, IDAHO CODE, TO PROVIDE FOR THE ABANDONMENT OR VACATION OF ANY HIGHWAY, PUBLIC STREET OR PUBLIC RIGHT-OF-WAY THAT WAS ACCEPTED AS PART OF A PLATTED SUBDIVISION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-1306A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 50-1317, IDAHO CODE, TO REMOVE REFERENCE TO PUBLIC RIGHTS-OF-WAY, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

**S 1284  
BY TRANSPORTATION COMMITTEE**

AN ACT

RELATING TO SPEED LIMITS ON INTERSTATE AND OTHER HIGHWAYS; AMENDING SECTION 49-654, IDAHO CODE, TO ALLOW AN INCREASED SPEED LIMIT ON HIGHWAYS IF CERTAIN CIRCUMSTANCES OCCUR; AMENDING SECTION 49-201, IDAHO CODE, TO ALLOW AN INCREASED SPEED LIMIT ON HIGHWAYS IF CERTAIN CIRCUMSTANCES OCCUR; AND AMENDING SECTION 49-207, IDAHO CODE, TO PROVIDE AN INCREASED SPEED LIMIT ON HIGHWAYS.

**S 1285  
BY TRANSPORTATION COMMITTEE**

AN ACT

RELATING TO HIGHWAY DISTRICT COMMISSIONERS; AMENDING SECTION 40-1305, IDAHO CODE, TO REVISE TERMS OF OFFICE AND TO ESTABLISH PROVISIONS RELATING TO AN ALTERNATIVE ELECTION OF HIGHWAY COMMISSIONERS.

**S 1286  
BY TRANSPORTATION COMMITTEE**

AN ACT

RELATING TO ALLOWABLE GROSS WEIGHTS; AMENDING SECTION 49-1001, IDAHO CODE, TO REVISE WEIGHTS THAT REFUSE/SANITATION TRUCKS TRANSPORTING REFUSE MAY BE OPERATED ON PUBLIC HIGHWAYS, TO DELETE REFERENCE TO AN ANNUAL OPERATING FEE FOR A PERMIT AND TO MAKE TECHNICAL CORRECTIONS.

**S 1287  
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-102, IDAHO CODE, TO REVISE A DATE, TO REVISE PROVISIONS RELATING TO TERMS OF OFFICE AND APPOINTMENTS, TO PROVIDE THAT MEMBERS SHALL ASSUME FULL POWERS AND DUTIES UPON APPOINTMENT, TO PROVIDE THAT APPOINTMENT SHALL BE SUBJECT TO CONFIRMATION BY THE SENATE.

**S 1288  
BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO NURSES; AMENDING SECTION 54-1413, IDAHO CODE, TO REVISE A PROVISION RELATING TO DISCIPLINE AND TO PROVIDE THAT CERTAIN CONDUCT WITH A PATIENT MAY BE GROUNDS FOR DISCIPLINE; AND DECLARING AN EMERGENCY.

**S 1289  
BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO AN APPLICATION OF THE STATE OF IDAHO UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 16, TITLE 34, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE APPOINTMENT OF DELEGATES TO THE CONVENTION, TO PROVIDE FOR THE INSTRUCTION TO, SCOPE AND LIMITATION OF AUTHORITY OF, AND COMPENSATION OF SAID DELEGATES, TO PROVIDE DUTIES OF THE SECRETARY OF STATE AND TO PROVIDE A CITATION.

[S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1286](#), [S 1287](#), [S 1288](#), and [S 1289](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 389](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 390](#), [H 391](#), and [H 405](#), by Environment, Energy, and Technology Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[S 1246](#), [S 1248](#), and [S 1249](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1226](#), [S 1261](#), and [S 1262](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[S 1228](#), by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### **Third Reading of Bills**

[H 375](#) was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Cameron, Davis, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Siddoway, Thayne, Tippetts, Vick, Winder. Total - 29.

NAYS—Bock, Buckner-Webb, Schmidt, Stennett, Ward-Engelking, Werk. Total - 6.

Total - 35.

Whereupon the President declared [H 375](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:35 a.m. until the hour of 11 a.m., Thursday, February 6, 2014.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary